

MICHAEL DONAHOE
Senior Litigator
Federal Defenders of Montana
Helena Branch Office
50 West 14th Street, Suite 300
Helena, Montana 59601
Phone: (406) 449-8381
Fax: (406) 449-5651

Attorneys for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DONALD MITCHELL JOHNSON,

Defendant.

CR 14-28-BU-DLC

**MOTION FOR JUDGMENT OF
ACQUITTAL**

MOTION

COMES NOW the defendant by and through his undersigned counsel, Michael Donahoe, Senior Litigator, and pursuant to Rule 29(c)(1) of the Federal Rules of Criminal Procedure hereby renews the two previous motions for acquittal also made

under Rule 29 during the course of the trial in this case. Moreover, by this motion defendant renews his claim that the evidence when considered in its totality was and is insufficient to convict him. See e.g. *United States v. Navarro Viayra*, 365 F3d 790, 793 (9th Cir 2004) (Specificity is not required for motions of judgment of acquittal).

CONTACT WITH GOVERNMENT COUNSEL

Chad Spraker, Assistant United States Attorney, counsel for the government was contacted concerning this motion for judgment of acquittal and states his objection.

CONCLUSION

WHEREFORE, Defendant prays for a Judgment of Acquittal.

RESPECTFULLY SUBMITTED this 11th day of August, 2015.

/s/Michael Donahoe

MICHAEL DONAHOE
Senior Litigator
Counsel for Defendant

CERTIFICATE OF SERVICE
L.R. 5.2(b)

I hereby certify that on August 11, 2015, foregoing document was served on
the following persons by the following means:

<u>1, 2</u>	CM-ECF
<u> </u>	Hand Delivery
<u>3</u>	Mail
<u> </u>	Overnight Delivery Service
<u> </u>	Fax
<u> </u>	E-Mail

1. CLERK, UNITED STATES DISTRICT COURT
2. CHAD SPRAKER
Assistant U.S. Attorney
Counsel for the United States of America
3. DONALD MITCHELL JOHNSON
Defendant

/s/Michael Donahoe
FEDERAL DEFENDERS OF MONTANA